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Globalization on a crossroad: Fragmentation versus integration at the current crisis of the international constitutionalism

Abstract

Globalization opened new perspectives for the legal development and its theoretical reinterpretation. The theory of global law reflected this new reality - postulated convergence of two traditional forms of legal regulation – international and national law, - in a new type of law, defined as global, supranational, transnational constitutional law. But in the current period of the pandemic crisis, followed by economic recession, ecology disputes, migration conflicts and other problems in cross-national relations it become evident, that legal globalization reached its natural borders, and opened the way to quite opposite trend – the growing fragmentation in international relations and legal regulation, producing populist demands to reestablish regional legal identity, national sovereignty and return of control from supranational level to national governments.

The author has focused on the concept of Global constitutionalism under the ambit of several dominating jurisdictions –USA, European Union, Russia, China, Post-Soviet region and new trends in some developing countries. He analyses the crisis of the legal globalization as a conflict of competing trends in global constitutionalism – integration versus fragmentation, transnationalism versus nationalism, liberal democracy versus populist "protective state" regarding the theoretical approaches, implicit logic of contested views and narratives as well as possibility to find compromise between them. He shows how the unstable balance between integration and fragmentation of the international legal system in the period of crisis could be used for the promotion of quite different visions of globalization, stimulating the growing competition of the world elites over future global governance design, and demonstrating the importance of the substantiated dialog on a new concept of the global constitutionalism and the coherent policy of law.

Keywords: global constitutionalism; transnational law, constitutionalization of the international law, integration and fragmentation in international affair, global regions, national legal traditions, sovereignty, protective constitutionalism, democratic backslide, real and false universalism, competing strategies of global legal development, conflict perspective analysis, global constitutionalism reinterpreted

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Introduction

The international debate on global legal stability cannot ignore the problematic of constitutionalism transformation. The most simple solution of dilemma as represented in convenient interpretation consists in the polarized opposition of two trends in the development of the international legal constellation, namely, integration (in the form of constitutionalization of international law) and its fragmentation – in form of separation of different global constitutional regions, supra-national actors or regimes. According this view, two rivalry trends cannot avoid sharp collision and its result could be interpreted as a "zero-sum game" – the progress in integration means the regress in fragmentation and vice versa. This approach is useful as a methodological presumption grounded on the very abstract, linear and teleological vision of globalization considering its development in a "black and white" perspective and associate it strictly with positive results – the progress in human rights protection, supremacy of law and law-based state. The current global pandemic crisis reveals the other side of globalization – the economic recession, legal contradictions and prevalence of perceived interests of separate regions and national states over general international values or rather quite different interpretation of its content and "common" character. The theory of global law interpreted the process of convergence between supranational and domestic legal norms and regulations as their synthesis, defined by the idea of "constitutionalization of international law". The idealistic vision of this trend assumed that the new type of the global or international constitutionalism in process would provide the new form of social regulation and governance, based on harmonization of international relations, prevention of conflicts between sovereign states, and consolidation of constitutional state on a global scale, perhaps, even in the form of a world constitutional order. The opposite trend to fragmentation is also quite apparent to the naked eye and understood under the ambit of several dominating legal jurisdictions as well as in some developing countries of the so-called "legal periphery". Brexit, Trump administration, populist regimes in Central, Southern and Eastern Europe, democratic backslide process in other regions of the world become perhaps, the most visible representation of this new anti-globalist demands, feelings and attitudes targeted against cosmocratic transnational elites and their domestic supporters in order to make national states "great again". It was proclaimed that the late liberal triumphalism has nothing in common with the current international

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constellation based on decomposition of international law, growing economic and military competition, progressive separation of the global regions, fragmented international regimes and egoistic motives of the great powers. That simple fact makes it important to reconsider more complex character of the legal globalization phenomenon and reciprocal relations between its opposite sides –constitutionalization and fragmentation of international constitutionalism.

Integration and fragmentation: the separation of ways in global legal development

Global constitutionalism – the theoretical construction and institutional reform agenda, trying to reflect the complex reality of integrating process of legal development, based on the interaction and crosscutting impact of the international and national constitutional law.[1] Global constitutionalism notion at the current stage of debates combines in one three different perspectives – new theory building, ideology of the social movement and legal construction.[2] The most visible representation of this phenomenon consists in the progressive process of constitutionalization of the international law.[3] It combines two options – the integration of constitutional norms into international treatises, from the one hand, and revers impact of these treatises on national (domestic) law of the separate states, their judicial system and practices (which becoming more binding by international norms and judicial precedents), from the other hand.[4] As theorists of global constitutionalism thinks, this process pave the way to the formation of the original type of transnational, supranational or international constitutionalism.[5,6] Among its acquisitions, the following are of importance:

i. Formation of transnational constitutional norms (as UN's Charter or European law principles and norms) which guarantee to individual the direct down-up approach to law and possibility to avoid traditional state bureaucracy;

ii. Origins of multi-layer constitutionalism (international, regional, domestic and local levels);

iii. Creation of a new multi-constitutional or quasi-constitutional frameworks, challenging the traditional balance of power between states and making it more difficult the direct dominance of one powerful state over them;

iv. Promotion of more intensive dialog relations between transnational and national parliaments and courts in order to stimulate democracy enforcement on the different levels of global governance system (international, regional, national and local).

v. In perspective that means the gradual departure from key principles of West phalian system, based on the idea of the national sovereignty as a corner stone of international relations.[7,8]

vi. This optimist view on global legal integration recently became the object of sharp criticism by its opponents emphasized the role and growing importance of another process, namely, fragmentation of international law as an alternative concept of the global legal transformation. *Fragmentation of international law* reveals the trend (now obviously predominant) to disintegration of international relations. Namely, disintegration of the global legal space on different global regions, the states abdication to follow universal (internationally adopted) principles of law, and the growing commitment to the search of their own legal "identity" as well as attempts to reestablish of the perceived "national sovereignty".[9] This reestablishment of the sovereignty, presumably lost in process of "global transition to democracy" very often implicate the form of the populist reaction – right-wind or left-wind – against the establishment or the ruling elites and turns the deduction of the liberal democracy principles and constitutional institutes.[10]

For the adherents of this pro-fragmentation trend, global constitutionalism project has a set of important negative sides and consequences:

I. Total unification of the global legal regulation standards, dissolving important cultural, regional and historical peculiarities;

II. Complication of the legal regulating machinery bothering the adequate fulfillment of rights;

III. Undermining citizen's democratic participation as result of important part of national states sovereign prerogatives transition to supra-national level;

IV. Transfer of national parliaments prerogatives to unelected courts, mainly – to international courts as demonstrating the phenomenon of the "government by judges".

V. In sum, all these developments resumed in the "deficit of the democratic legitimacy" phenomenon as result of the pressure of the most powerful international actors upon sovereign states.[11]

VI. The appearance of these two opposite trends – to integration and fragmentation in international relations - means the separation of ways in global legal development, formation of two different strategies in global constitutionalism formation. Legal globalization on a crossroad situation symbolizing the problem of choice for political elites between opposite trends – does they mutually excluding, compatible, or, perhaps, could be combined in some new constellation in theory or in practice? The answer is possible through the reconstruction of key definitions meaning and political reality besides them.

Integration as a process of the global legal order in formation

In international literature, we cannot find any common interpretation of constitutionalization. Different axiological and legal interpretations of its notion represent at minimum seven main concepts of this phenomenon. *First*, from the outlook of public international law constitutionalization means the search of the legal control over politics inside international legal order itself in order to compensate the progressive erosion of this control in national states by transfer on international level those concepts, which traditionally were reserve for the national constitutions.[12] *Second*, from the outlook of standard normative approach, this phenomenon interpreted in a framework of "compensation theory" – the mutual adaptation of different levels and institutes of the global legal regulation and governance for the coordination and harmonization of international processes.[13] *Third*, from the sociological point of view, the global constitutionalization could be more the result of societal regimes constituted, formed and selected by practice in spontaneous manner rather than a purpose-oriented international legal strategy.[14] *Forth*, the institutionalist (or pluralist) approach focuses not so much on values, principles and norms, but, rather, the whole entity of structures, institutes or actors, which take part in the realization of power nexus beyond the states.[15] *Five*, for constructivist approach

in international relations, constitutionalization means the process of identity changes and "normative self-entrapment" in which states and other international actors are involved.[16] *Sixth*, for the functionalist approach: constitutionalization could go in different directions – positive as well as negative (unification, limitation of democracy and legitimacy, human rights degradation) and its result determinates, more or less, by consciously admitted strategy, adopted by society and elites.[17] *Seventh*, the position of traditional constitutionalism arguing the possibility to transmit national constitution on transnational level of regulation and transform, if necessary, the meaning of traditional constitutionalism in order to reflect the perceived situation of the national state enfeeblement or, in perspective, to make a new sense of this tradition for its adoption by international legal regulation.[18]

Fragmentation as a challenge and a form of global constitutional correction

The role of fragmentation process and its reciprocal relation to constitutionalisation equally poses lot of problems. We reconstructed five main approaches in that area.

a. First of all, there is a standard treatment of both processes as mutually unacceptable: the progress of one trend automatically reduce another one.

b. When, their treatment as cross-cutting issues: constitutionalization (if not interpreted as a move to one global "super-constitution") itself is a fragmented process, going inside the international law and progressively involving national constitutions as represented today in a system of various sectorial regulatory regimes of international organizations and corporations – a system in which "we find (only) constitutional fragments".[19]

c. Interpretation of both trends as quite compatible to each other: fragmentation is both a challenge and tool of constitutionalization; their reciprocal connection in different areas of international law is a question of "practical inquiry", and constitutionalization itself is nothing more as a prospect target or "as a claim".[20]

d. Idea, that Constitutionalism as a principle of international law in principle cannot be used as an instrument to overcome fragmentation: beyond the state mechanisms of the legal regulation (absent in international law in contrast to constitutional) fragmentation is rather the instrument of normative conflict regulation as an instrument to overcome it.[21]

e. Political imagination of constitutionalism as a negative process tended to unification of norms, interpretations and decisions on the ground of only one (Western) legal culture. That means the reproduction of the dominant Western legal standards in the form of "neocolonial rule",[22] by extrusion of any other legal cultures and minorities. From this position, fragmentation is the natural answer to this challenge – more positive than negative trend in international law opposed to the danger of "false universalism" implicitly present in a theory of global constitutionalism and governance.[23]

Thus, for many theorists fragmentation of international law is not simple rejection of international law. If interpreted as a tool of normative conflict solution, it includes a variety of interpretations – as understanding of possibility to regulate tensions between unification and diversity; as a problem of procedural character – fragmentation as a transition of technical expertise from national onto international context; as interaction between rules and institutional practices culminated in erosion of international law.[24] The agreement with one or another position in this theoretical dispute means the choice of the quite pragmatic attitude – the strategy of some policy of law in the area of global and national constitutionalism.

"Protective constitutionalism" as a new political reality of globalizing world

As counterweight to the dominant (or mainstream) interpretation of the global constitutionalism, alternative projects (anti-globalist among them) submitted. Their corner stone is fragmentation of international regulation in the form of global regions constitutional self-determination. This approach as represented mainly by critical school of international law emphasized the growing role of fragmented regional identity in following aspects: Global Center and periphery polarization; Global East and South construction;[25] the role of different continents reevaluation – Europe, Asia, Africa, Latin America.[26] The special point is the growing importance of sub-regions (as, for example, Central and Eastern Europe), as well as most influential countries – USA, Russia, China, which are not ready to follow international law prescriptions in many important aspects. A part of this debate is the new trend to find a bridge between Western and Asian prospects on global constitutionalism by understanding this phenomenon from European and East Asian Perspectives,[27] and represent Eastern models not as a deviance, but as alternative liberal or non-liberal concepts of it. However, how is it possible? Third World approaches to international law traditionally opposed classic "Western" liberal outlook arguing "transzivilizational perspective on Global Legal Order" as a way to overcome "West-centric and Judiciary-centric deficits in international legal thoughts",[28,29,30] and realize so called "post-liberal" concept of human rights, property, information rights and ecology protection in transnational constitutional regulation and governance.[31] Islamic countries represents one of this alternative way.[32] China as well is, perhaps, the most prominent case of a "separate way" based on original Confucian version of legal philosophy and practice.[33] In theory, it is becoming more and more evident, that global constitutionalism construction could be resulted not necessarily in liberal democratic forms, but provide the ground for different international hybrid legal regimes if not for the Global Leviathan solution.[34] This theoretical approach in its radical form denies even the positive role of existing international law as predominantly "Western" construction, historically created and used by main European countries for the legitimation of colonial and neo-colonial rule and domination in other regions of the world.[35] This approach involves also the demand to redefine the very nature of such important notions as democracy, sovereignty, rule of law, law-based state, and minority rights, traditionally interpreted according to Western liberal standards. This "demand for justice" could easily transformed into more conservative legal ideology by using old cultural and ideological stereotypes of mass consciousness, as for example Russian Post-Soviet reality demonstrated in recent years.[36] A part of this theoretical debate is reevaluation or, rather re-invention of the legal identity concept as a form of regional self-determination in terms of political culture, as well as various periphery, hybrid, or imitation regimes of "limited pluralism", "transformative regimes", "illiberal democracy", demonstrating their commitment to move from law to "real politics" and constitutional authoritarianism. Very often, this turn in legal interpretation is interpreted and blamed as a simple backslide of democracy – primitive populist reaction on global changes and irritating impulses such as deficit of democracy and legitimacy, economy deterioration, migration crisis and political

instability. According to this mainstream interpretation, global liberal constitutional agenda confronted the complex variety of new unforeseen threats. They involving such developments as "Brexit", conservative protectionism course of Donald Trump administration, degradation of liberal constitutionalism in Eastern Europe (Poland, Hungary and Romania constitutional and judicial counter-reforms);[37] as well as progressive erosion of law-based state in Post-Soviet space, and in "new democracies" – from India and Indonesia to Turkey, Brazil and South Africa.[38,39]

Perhaps, most prominent representation of this new trend could be find in Russian 1993 Constitution transformation. The legitimacy formula introduced by 2020 constitutional amendments and implemented in the process of their adoption is internally controversial: it combines the constitution-determined political system with extra-constitutional (namely cultural) parameters implying history, nation, solidarity, overrepresented public power, symbolic (meta-constitutional) status of the head of the state. The system of constitutional values transformed by shifting balance of international and national law, positive and negative legitimacy and authentic targets reduced to administrative tools of enforcement. In a framework of this formula the sovereign (people) delegate, formally by quite democratic way, its power to the head of the state, conducting ipso facto the role of its sole and permanent representative in power. Constitutional reform fixes important "pragmatic" legal changes, consequently introduced in last decades regarding conservative revision of Russian 1993 Constitution liberal impetus, and resume a new legal reality – neo-imperial state with plebiscitary political regime – the new form of constitutional dictatorship.[40] This reconstruction of power legitimacy stay in full accordance with the logic of restoration historical periods making conclusion of the Post-soviet constitutional cycle, namely, its third phase –reconstitutionalisation (reversed interpretation of initial sense of constitutionalism on the ground of purely restoration logic).

How large is the world of global legal fragmentation?

The international debate about "how large is the world of global constitutionalism",[41] initially involved skeptical remarks about its subject,[42] resulted in rather pessimistic conclusions. The world of global constitutionalism indeed became much narrower in recent years as it was in the period of "liberal triumphalism" in 1990-es. The crucial role of the West in "ruling the world",[43] gradually transformed in opposite condition, described as "ruling the void".[44] The erosion of legal integration, legitimacy deficit, vacuum of responsibility and global governance are the most visible consequences. We can agree with that diagnosis but not with its explanation. The interpretation of the global constitutionalism deterioration and prevalence of fragmentation over integration scarcely could be reduce only to the concept of conservative populist reaction against liberal values in order to establish authoritarian rule. A much broader set of factors should be under consideration. The failure of international community in creating of uncontroversial concept of future; the growing asymmetry in international relations and information agenda; perceived lack of reliable information (fake news); the threat of unpredictable consequences of trans-national economy and governance regulation for national perspectives; the growing suspicion toward local elites as simple translators of the global elite's orders. As a result, we have sociologically proved demand for stability and order with growing divorce between two formally similar, but substantially quite different concepts of global and national constitutionalism – global personal rights-oriented and nation state-oriented clusters.[45]

All that does not mean the simple repudiation of legal globalization but the formation of the demand for its new forms – more adequate to the format of cultural diversity, history traditions, national interests and the appropriate timetable of reforms. Globalization – fragmentation dispute produces new hybrid forms of constitutional self-orientation: some of them are based on more convenient recent understandings, some - on more ancient traditional forms, mixing them in different proportions. This hybridization is still a form of constitutional development – adaptation of more traditional regimes to uneven social reality and growing asymmetry of international relations. As such, this constitutional hybrids should be more the subject of academic investigation than simple ideological rejection. The bright constitutional ideal stay on its place, but its full practical enforcement postponed by many countries to the unclear future. The meaning of this trend is a move from idealism to realism, from values to interests and from exaggerated beliefs toward attainable options and possibility to protect them legally in any possible way. "Protective constitutionalism" is, perhaps, the formula of this new international reality, which means limited adoption of international (Western, or European) constitutional value-standards in order to protect national "interests" –cultural identity, traditional values, economy priorities, institutional framework and political stability challenged by new destructive global trends. Right or wrong, this is a new and unforeseen reality of international affairs and dialog.

In spite of the postulated dichotomy and controversial character of two trends in international constitutionalism, it is not worthy to oppose them as mutually unacceptable in a framework of the simple ideological dilemma – liberal transnational constitution or illiberal fragmented legal regimes. The problem should be formulated in another way – how find the area of their mutual interaction, dynamic overlapping consensus reproduction and cooperation in a framework of one and the same legal globalization process. Constitutionalization in itself contain fragmentation regarding such issues as creation of the system of new diversified actors with different or even controversial interests – sectorial regulatory regimes, international organizations, NGO and transnational corporations, academic think tanks and more or less independent groups of political activists acting in parallel to traditional actors – national states and governments. Their interaction in reality is not the "zero-sum game".

Fragmentation: negative and positive effects for global legal development

Transnational constitutional integration means complex process, including the set of parameters: the whole corpus of existing international treatises and norms; readiness of all participants to accept and respect them as guiding principles; cooperation between new and traditional actors in their promotion. From the other hand, this process presume controversial efforts to revise established rules of the game; practical cooperation in resolving normative conflicts and political disagreements; variability of adopted strategies of international integration enforcement, and reaction on them in national legal systems. For example, a group of states can disagree in interpretation of the international norms binding force in one area but stay in full agreement in promotion of others. National political actors can oppose some global projects (for example in ecology protection), but be active in supporting the others (for example in prevention of terrorism). International and national actor's cooperation could be more or less important regarding new global challenges such as global climate changes, Internet-regulation or Pandemic crisis. The crucial problem, thus, cannot reduce the integration agenda to the debate on

the question about "how large is the world of global constitutionalism" as it was formulated not long ego. But should be formulated in another perspective – how large is the potential of the world legal instability, which cost different actors are ready to pay for it, and what should be done on transnational and national level to stop this move toward international legal disorder?

Following this position, fragmentation of international legal settlement – sectoral, regional and functional –has two sides – negative and positive. *From negative perspective*, fragmentation indeed means the trend to the growing limitation of the role and importance of the global constitutionalism. Today it is quite reasonable to pose a question – how large is the world of global legal fragmentation instead of global legal integration? The position of global constitutionalism opponents (right-or left-wined), very strong in critical argumentation, until now, however is not successful in positive recommendation. Thirst of all, up to now, they did not propose the sustainable solution for global legal integration, reducing the problem to its mechanic opposition to fragmentation impetus, and stimulating definite regions or states to look for their own home-made strategies of adaptation (if not assimilation) to global order in formation. Second, in spite the whole rhetoric of "Europe-centrism" repudiation, the logic, design and terminology of this approach rest predominantly "Western-oriented" addressing to constitutional organization of classic democracy models. Third, the final target of global constitutionalism critics is not clear enough – do they reject it because of its Western origin, or, rather, because it is constitutionalism (i.e. human rights protection), and its negation does not exclude ipso facto the return to the national autarky and authoritarianism. Questions – highlightened by a new wave of constitutional retreatment in many countries of the world in the current period.

In positive perspective fragmentation is the instrument of global constitutionalism correction rather than strict opposition or alternative to it. Not by chance, fragmentation is more represented and visible in those areas of regulation, which characterized by unsatisfied level of trust – vacuum of responsibility, legitimacy and institutional or functional regulation. Fragmentation in this understanding is a form of demand for law in areas where the perception of inequality, mistrust, and injustice is more obvious than in other more convenient areas of international affairs. In this role of the "marker" of problematic issues, fragmentation could play even positive function in the following aspects. It could be regard as indicator of problem situations existing in the area of global, regional and national law coordination; the important part of general research activity to find the interaction modus in normative conflict-mediation and institutional practices; form of technical expertise regarding transnational and national dimensions.

Competing strategies for restructuring the global legal order presents their specific solutions for the integration/fragmentation dilemma. Among them: the traditional concept of using key norms and institutions of international law; the gradual reform of international law; complementarity of international and national constitutional law, which implies building various modes of interactions between them; spontaneous transformation of law under the new conditions through the consistent adoption of new standards and sources of law and modernization of some of previous fundamental bases (like, for example, the state sovereignty principle); political interpretation of global law and governance through changes in international relations, increasing the role of binding obligations, actualizing the consideration of law as a "ruler" in general; the establishment of the principle of dominance of one model of democracy (the "Western" one), often linking its fate with one state (USA), or a group of states (the united "West"); the search for the critical balance between different regional actors on core legal values interpretation with regard to variability of attitudes including also illiberal democracies or "revisionist" states. It is also important to mention the concept of global constitutionalism as a constant dialogue between its actors, as a kind of permanent discussion by the parties of the changing content of the global social contract, the final formula of which cannot be found in principle.

Global constitutionalism reinterpreted

We proposed to define global constitutionalism from the standpoint of cognitive information theory.[46] In this interpretation it can become the solid basis for the consensus between both trends – as a purposeful activity on constructing a new global order, where the stages are fixed in projects, norms and practices which reflect the progress of the whole global society towards this goal. The theory of global constitutionalism in this understanding is not cosmopolitan ideology, legal doctrine, or theory of governance, but a cognitive framework for a value-neutral study of global processes of legal development that go beyond their normative understanding and include the extralegal logic of the formation of legal consciousness, a set of psychological, constitutional and behavioral attitudes of individuals who are aware of their belonging to the global community. Overcoming the conflict of philosophical, normative and functional concepts is therefore achieved by interpreting them as different (but still complementary) logical (linguistic) expressions of values, norms and attitudes of various levels, ensuring the unity of the system of global legal regulation. How we can combine the essence of different approaches to deal the problem? A practical tool for a better articulation of a polarized positions in the integration/fragmentation debate, is the conflict perspective analysis (CPA) – narrative mediation for structuring dialogues about contradicting narratives of global constitutionalism. This mediation method reveals the positions of conflicting parties – transnational and national actors, clarifies differences in positions and gives an understanding of their meta-narratives of legal globalization as represented by two sides – expert groups from international and national institutions, different global regions and competing strategic approaches. The CPA, based on contested narrative mediation, includes several stages: presentation; actors; facts description; background interests and motivation; options; opinions; reality check; new discoveries making on reciprocal base by both sides of that dialog.[47] It going through different psychological attitudes - from deep mutual distrust and sharp criticism on initial phase to common interpretation of mutual misperceptions and "collective blind spots" (issues of political, legal or historical narrative of one party, which are not seen or recognized by the other party), building the "bridges of understanding" and ideally –movement towards the readiness to find any possible solution on reality check perspective. This approach was elaborated and used in complex or protracted international conflicts (civil wars among them) when the parties may refuse to work on resolving the conflict, but nevertheless agree to somehow settle and figure out what is happening when they are not satisfied with the conflict situation. The immediate solution of the conflict is not direct goal of the use of the method but may be its consequence. Thus, CPA is a useful instrument for the integration/fragmentation dilemma, using the systematization, evaluation and criticism of argumentation from both sides in the making of transnational legal order.

In this understanding three levels of regulation – transnational, regional and national, -are autonomous but still interconnected parts of one system of the nascent global legal identity, forging not so much by theoretical constructions as by inevitable common

practical reaction on massive global crises and potential challenges. The enforceable unintended compromise in critical situation is, perhaps, the precise definition for this type of international legal cooperation. The global regional legal legislative machinery provides laboratory for the elaboration and competition of various projects for international institutional reconfiguration in order to avoid global governance dysfunctions – over-unification and hyper-centralism, or false universalism and deterioration in "normative disorder"; the place for presentation and deliberation of competing concepts of the future global stability, legitimacy and agenda of reforms, necessary for approaching this goal. The global rebellion against global constitutionalism in the form of fragmentation, thus, is not verdict over global constitutionalism fate, but invitation to renewed dialog on integration priorities – dialog in which eternal struggle between democracy and authoritarianism will be continued on transnational level. Global (transnational) constitutionalism is not just solution, but, rather, the zone of experiment in order to find the optimal balance of global, transnational, international and national law-making institutions, and its results are not predetermined. Global constitutionalism in its current condition is more ideology and ethic attitude than stable normative construction. The current crisis (aggravated by Corona-virus pandemic) has shown the coming of a new phase of competition between global and national elites over future construction of global governance demonstrating the importance of consolidated politics of law. If global legal integration and governance is inevitable, the essence of the problem is to find new and more appropriate balance between integration and fragmentation in cultural, normative and institutional regulation. The solution of these problems would define the possibility of sustainable and solid constitutional guarantees for global and national development in the nearest future.

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Conflicts of interest

The author declares that there are no conflicts of interest.

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